

**EXHIBIT A**

1. Docket Sheet, Case No. CL-21-0073-H; County Court at Law No. 8 of Hidalgo County, Texas.
2. Plaintiff's Original Petition, filed January 4, 2021.
3. Issuance of Citation filed January 5, 2021.
4. Defendant Marmaxx Operating Corp.'s Original Answer, filed February 5, 2021.

COUNTY COURT AT LAW #8

**CASE SUMMARY****CASE No. CL-21-0073-H**

**Maria Yolanda Mayorga**  
**VS.**  
**Marmaxx Operating Corp.**

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Location: **County Court at Law #8**  
 Judicial Officer: **Maldonado, Omar**  
 Filed on: **01/04/2021**

**CASE INFORMATION**

Case Type: **Injury or Damage - Other (OCA)**

**DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number CL-21-0073-H  
 Court County Court at Law #8  
 Date Assigned 01/04/2021  
 Judicial Officer Maldonado, Omar

**PARTY INFORMATION****Plaintiff****Mayorga, Maria Yolanda***Lead Attorneys***SANTOS, DANIEL R.***Retained*

956-633-1111(W)

**Defendant****Marmaxx Operating Corp.****DATE****EVENTS & ORDERS OF THE COURT****INDEX**

02/05/2021



Request

*Letter to Clerk regarding Certified Copies*

02/05/2021



Answer

*Defendant's Original Answer and Jury Demand*

01/19/2021



Service Returned - Served

*MARMAXX OPERATING CORP*

01/05/2021



Citation Issued

*MARMAXX OPERATING CORP.*

01/04/2021



Original Petition (OCA)

*Plaintiff's Original Petition and Jury Demand with Written Discovery***DATE****FINANCIAL INFORMATION****Defendant Marmaxx Operating Corp.**

Total Charges

101.00

Total Payments and Credits

101.00

**Balance Due as of 2/5/2021****0.00****Plaintiff Mayorga, Maria Yolanda**

Total Charges

282.00

Total Payments and Credits

282.00

**Balance Due as of 2/5/2021****0.00**

Date: 2/5/2021  
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COUNTY COURT AT LAW #8

# CASE SUMMARY

CASE No. CL-21-0073-H



PAGE 2 OF 2

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Printed on 02/05/2021 at 2:13 PM

CAUSE NO. CL-21-0073-HMARIA YOLANDA MAYORGA  
*Plaintiff*§  
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IN THE COUNTY COURT

VS.

AT LAW NO. \_\_\_\_\_

MARMAXX OPERATING CORP.  
*Defendant*

HIDALGO COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION AND JURY DEMAND**  
**WITH WRITTEN DISCOVERY**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Plaintiff, **MARIA YOLANDA MAYORGA** complaining herein of  
Defendant **MARMAXX OPERATING CORP.**, and for cause of action states as follows:

**I.**  
**DISCOVERY PLAN**

Plaintiff intends to conduct discovery under Level 2 of Texas Rule of Civil Procedure 190.

**II.**  
**PARTIES**

Plaintiff resides in McAllen, Hidalgo County, Texas.

Defendant, **MARMAXX OPERATING CORP.**, is a duly formed Texas corporation and  
may be served with process by serving its registered agent as follows: **CT Corporation System**  
at 1999 Bryan Street, Dallas, Texas 75201.

**III.**  
**JURISDICTION AND VENUE**

Jurisdiction is proper in that the amount in controversy greatly exceeds the minimum  
jurisdictional requirements of this Court. The Plaintiff seeks relief in an amount no less than  
\$100,000.00 but no more than \$250,000.00.



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**CL-21-0073-H**

Pursuant to Section 15.001 et seq. of the Texas Civil Practice and Remedies Code, venue is proper in Hidalgo County in that all or part of this cause of action accrued in Hidalgo County, Texas.

**IV.  
FACTUAL BACKGROUND**

On or about February 29, 2020, Plaintiff **MARIA YOLANDA MAYORGA**, was a customer at one of Defendant **MARMAXX OPERATING CORP.**'s stores also known as Marshalls located at 900 E. I-2 Frontage Rd., McAllen, Hidalgo County, Texas 78503. Plaintiff, **MARIA YOLANDA MAYORGA**, was at all times an invitee as that phrase is known in the law. As a result of Defendant **MARMAXX OPERATING CORP.**'s holding open its premises for business in this manner and as a result of the purpose of Plaintiff **MARIA YOLANDA MAYORGA**'s visit to such premises, Plaintiff, **MARIA YOLANDA MAYORGA**'s injuries occurred as a direct result of a slip and fall that was proximately caused due to a foreign substance on the floor which Defendant knew or, in the exercise of ordinary care, should have known existed. As a result of Plaintiff's fall, she suffered serious bodily injuries.

**V.  
NEGLIGENCE OF DEFENDANT MARMAXX OPEARTING CORP.**

Plaintiff brings this suit to recover for personal injuries sustained as a result of a dangerous condition on Defendant **MARMAXX OPERATING CORP.**'s property. Defendant **MARMAXX OPERATING CORP.** was guilty of acts and/or omissions which constituted negligence. These acts and/or omissions include, but are not limited to, the following:

1. Defendant failed to maintain a safe premises for it patrons;
2. Defendant failed to inspect the premises for potential hazards which could result in damages to its patrons;
3. Defendant failed to warn its patrons of potential hazards; and



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**CL-21-0073-H**

4. Defendant knew or should have known of the hazard on its premises and did nothing to correct it.

**VI.**

At the time and on the occasion in question, Plaintiff was an invitee on Defendant **MARMAXX OPERATING CORP.**'s property, having gone there as a customer.

During the course of Plaintiff's visit on Defendant's premises, Plaintiff was caused to suffer injury by slipping and falling due to a foreign substance on the floor, which was the direct result of an unreasonably dangerous condition on Defendant **MARMAXX OPERATING CORP.**'s premises. Defendant **MARMAXX OPERATING CORP.** knew of the unreasonably dangerous condition and neither corrected nor warned the Plaintiff of it. Plaintiff did not have any knowledge of the dangerous condition and could not have reasonably been expected to discover it. Defendant **MARMAXX OPERATING CORP.**'s failure to correct the condition or to warn Plaintiff constituted negligence, and such negligence was a proximate cause of the occurrence in question and the Plaintiff's resulting injuries. Plaintiff's conduct was reasonable and prudent at all times and did not in any way contribute to the incident and ensuing injuries suffered by Plaintiff.

**VII.**

**INJURIES TO PLAINTIFF MARIA YOLANDA MAYORGA**

Plaintiff **MARIA YOLANDA MAYORGA** sustained the following serious bodily injuries as a direct and proximate result of the Defendant's negligence:

- a. Lower back pain;
- b. Lower mid back pain;
- c. Left hip pain; and
- d. Plaintiff **MARIA YOLANDA MAYORGA** suffered injuries to her body in general.



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**VIII.**  
**DAMAGES TO PLAINTIFF MARIA YOLANDA MAYORGA**

As a direct and proximate result of the negligence of Defendant as alleged herein, Plaintiff **MARIA YOLANDA MAYORGA** suffered the following damages:

- a. Past medical expenses in the amount in excess of the jurisdictional limits of the Court;
- b. Future medical expenses in excess of the minimum jurisdictional limits of the Court;
- c. Past and future physical impairment in excess of the minimum jurisdictional limits of the Court;
- d. Past and future pain and suffering and mental anguish in excess of the minimum jurisdictional limits of the Court; and
- e. Inconvenience.

**IX.**  
**REQUESTS FOR WRITTEN DISCOVERY**

Under Texas Rule of Civil Procedure 194.2, Plaintiff requests that Defendant named herein disclose, within 50 days of the service of this request, the information or material described in Rule 194.2 (a) through (l). This is to give further notice to the Defendant and Defendant's attorney(s) that attached to this Petition and Request for Disclosure, and being served herewith, are:

1. Plaintiff's First Set of Interrogatories to Defendant;
2. Plaintiff's First Request for Production of Documents to Defendant; and
3. Plaintiff's First Request for Admissions to Defendant.

Defendant is hereby requested to serve on the undersigned counsel true and complete responses to all written discovery requests within fifty (50) days of service.



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**X.**

Plaintiff requests pre-judgment and post-judgment interest as allowed by law.

**XI.**

**JURY DEMAND**

Pursuant to Rule 216, Texas Rules of Civil Procedure, Plaintiff requests a trial by jury as to all issues of fact presented herein.

**XII.**

**PRAYER FOR RELIEF**

**FOR THE REASONS STATED**, Plaintiff prays that Defendant be cited in terms of law to appear and answer herein and that Plaintiff, upon final trial of this cause, have judgment against Defendant in an amount in excess of the minimum jurisdictional limits of this Court, for costs of Court, pre-judgment and post-judgment interest at the highest legal rate, for the recovery of actual damages, and for such other and further relief, both special and general, to which Plaintiff may be entitled, in that of law and equity.

Respectfully Submitted,

**LAW OFFICE OF DANIEL SANTOS, P.C.**

*/s/ Daniel Santos*

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**DANIEL SANTOS**  
State Bar No. 24034666  
**dsantos@dsantoslaw.com**  
605 E. Violet Ave., Ste. 3  
McAllen, Texas 78504  
(956) 633-1111 Telephone  
(956) 630-0872 Facsimile  
**ATTORNEY FOR PLAINTIFF**



Date: 2/5/2021  
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CAUSE NO. CL-21-0073-H

MARIA YOLANDA MAYORGA  
*Plaintiff*

VS.

MARMAXX OPERATING CORP.  
*Defendant*

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IN THE COUNTY COURT

AT LAW NO. \_\_\_\_\_

HIDALGO COUNTY, TEXAS

**PLAINTIFF'S FIRST REQUEST FOR WRITTEN DISCOVERY TO DEFENDANT**

TO: Defendant, Marmaxx Operating Corp., CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201 or wherever it may be found.

COMES NOW Plaintiff in the above styled and numbered action and serves Plaintiff's First Request for Written Discovery upon Defendant, Marmaxx Operating Corp. as allowed by Tex. R. Civ. P. 192 through 198. Defendant must answer each request separately, fully, in writing, and the Interrogatories under oath, within fifty (50) days after service.

Respectfully Submitted,

**LAW OFFICE OF DANIEL SANTOS, P.C.**

*/s/ Daniel Santos*

**DANIEL SANTOS**  
State Bar No. 24034666  
[dsantos@dsantoslaw.com](mailto:dsantos@dsantoslaw.com)  
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(956) 630-0872 Facsimile  
**ATTORNEY FOR PLAINTIFF**

Page 1 of 20



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**CL-21-0073-H**

**I. INSTRUCTIONS**

1. For each document or other requested information that you assert is privileged or for any other reason excludable from discovery, identify that document or other requested information. State the specific grounds for the claim of privilege or other ground for exclusion. Also, for each document, state the date of the document, the name, job title, and address of the person who prepared it; the name, address, and job title of the person to whom it was addressed or circulated or who saw it; the name, job title, and address of the person now in possession of the document; and a description of the subject matter of the document.
2. For any requested information about a document that no longer exists or cannot be located, identify the document, state how and when it passed out of existence, or when it could no longer be located, and the reason(s) for the disappearance. Also, identify each person having knowledge about the disposition or loss and identify each document evidencing the existence or nonexistence of each document that cannot be located.

**II. DEFINITIONS**

The following meanings, unless the context requires otherwise:

1. "Plaintiff" means Plaintiff, his/her agents, representatives, and all other persons acting in concert with him, or under his control, whether directly or indirectly, excluding his attorney.
2. "Defendant" means Defendant, his/her agents, representatives, and all other persons acting in concert with him, or under his control, whether directly or indirectly, excluding his attorney.
3. "You" or "your" means Defendant, his/her successors, predecessors, divisions, subsidiaries, present and former officers, agents, employees, and all other persons acting on behalf of Defendant, his successors, predecessors, divisions, and subsidiaries.
4. "Document(s)" means all written, typed, or printed matter and all magnetic or other records or documentation of any kind or description (including, without limitation, letters, correspondence, telegrams, memoranda, notes, records, minutes, contracts, agreements, records, or notations of telephone or personal conversations, conferences, inter-office communications, E-mail, microfilm, bulletins, circulars, pamphlets,

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**CL-21-0073-H**

photographs, facsimiles, invoices, tape recordings, computer printouts and work sheets), including drafts and copies not identical to the originals, all photographs and graphic matter, however produced or reproduced, and all compilations of data from which information can be obtained, and any and all writings or recordings of any type or nature, in your actual possession, custody, or control, including those in the possession, custody, or control of any and all present or former directors, officers, employees, consultants, accountants, attorneys, or other agents, whether or not prepared by you.

5. "File" means any collection or group of documents maintained, held, stored, or used together, including, without limitation, all collections of documents maintained, held, or stored in folders, notebooks, or other devices for separating or organizing documents.
6. "Person" means any natural person, corporation, firm, association, partnership, joint venture, proprietorship, governmental body, or any other organization, business, or legal entity, and all predecessors or successors in interest.
7. "Relating to" and "relates to" mean, without limitation, embodying, mentioning, or concerning, directly or indirectly, the subject matter identified in the interrogatory.
8. "Concerning" means, in whole or in part, directly or indirectly, referring to, relating to, connected with, commenting on, responding to, showing, describing, analyzing, reflecting, and constituting.
9. "Communication" means any oral or written communication of which the Defendant has knowledge, information, or belief.
10. "Date" means the exact date, month, and year, if ascertainable, or, if not, the best available approximation.
11. "Describe" or "identify," when referring to a person, means you must state the following:
  - a. The full name;
  - b. The present or last known residential address;
  - c. The present or last known residential and office telephone numbers;
  - d. The present occupation, job title, employer, and employer's address at
  - e. at the time of the event or period referred to in each particular interrogatory; and
  - f. In the case of any person other than an individual, identify the officer, employee, or agent most closely connected with the subject matter of the interrogatory, and the officer who is responsible for supervising that officer or employee.



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12. "Describe" or "identify," when referring to a document, means you must state the following:
- a. The nature (e.g., letter, handwritten note) of the document;
  - b. The title or heading that appears on the document;
  - c. The date of the document and the date of each addendum, supplement, or other addition or change;
  - d. The identity of the author and of the signer of the document, and of the person on whose behalf or at whose request or direction the document was prepared or delivered; and
  - e. The present location of the document, and the name, address, position or title, and telephone number of the person or persons having custody of the document.
13. The word "and" means "and/or."
14. The word "or" means "or/and."
15. "Accident," "incident," or "collision," refers to the incident pleaded in Plaintiff's petition(s).



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CL-21-0073-H

**III. INTERROGATORIES**

**INTERROGATORY NO. 1:** Identify the person answering these interrogatories by stating their name, address, telephone number, employer, and title.

**ANSWER:**

**INTERROGATORY NO. 2:** Please state whether Defendant possesses any photographs, motion pictures, video(s) or other of Defendant's scene of the incident and/or Plaintiff's premises made the basis of this lawsuit.

**ANSWER:**

**INTERROGATORY NO. 3:** Please state whether an investigation was conducted on behalf of Defendant by its legal representative, agents, or other, the extent of said investigation, length of same and whether it is still on going, whether it was done in person, a search engine or Facebook, twitter, etc.

**ANSWER:**

**INTERROGATORY NO. 4:** Please state if Defendant has been involved in any other civil or criminal cases with in the last 10 years and state the date, place, cause, cause number, court number, county and date of said case(s) and how they were resolved.

**ANSWER:**

**INTERROGATORY NO. 5:** Describe in detail any conversations you have had with Plaintiff, employees and/or paramedics following the incident in question, up to the present date.

**ANSWER:**

**INTERROGATORY NO. 6:** Described in your own words how the incident occurred and state specifically and in detail what the claim or contention of the Defendant will be regarding any cause or contributing cause of the incident.

**ANSWER:**

**INTERROGATORY NO. 7:** Please identify any photographs, videotapes, charts, drawings, or any other visual depictions of any person, place, or thing which constitute or contain matters relevant to the claim set out in Plaintiff's Original Petition in your possession or constructive possession.

**ANSWER:**



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**CL-21-0073-H**

**INTERROGATORY NO. 8:** Please state your education history, including the name and address of each school attended with the years of attendance, grades level reached, and all degrees or certificates received.

**ANSWER:**

**INTERROGATORY NO. 9:** Do you contend that Plaintiff has done anything or failed to do anything that constitutes a failure to mitigate damages? If so, please, please describe?

**ANSWER:**

**INTERROGATORY NO. 10:** Please state in detail if you have given a recorded statement to the police, insurance company and/or adjuster and/or representative. Identify the date, name of person or entity, insurance company or other, claim or id number, phone, fax and email.

**ANSWER:**

**INTERROGATORY NO. 11:** State whether you owned, occupied, or controlled the premises located on or about the 900 E I-2 Frontage Rd., McAllen, Texas at the time of the incident made the basis of this suit and identify any co-owners.

**ANSWER:**

**INTERROGATORY NO. 12:** Identify any and all of Defendant's employees, servants, or agents who worked on the premises on the date of the incident made the basis of this suit.

**ANSWER:**

**INTERROGATORY NO. 13:** Describe any communication either in words or gestures that took place between you and the Plaintiff immediately before Plaintiff's slip and fall.

**ANSWER:**

**INTERROGATORY NO. 14:** State the location of the premises where Plaintiff tripped and fell, giving the distance, in feet, to fixed objects or boundaries to the premises.

**ANSWER:**

**INTERROGATORY NO. 15:**

Describe any defective condition or foreign objects that caused or contributed to Plaintiff's slip and fall.

**ANSWER:**



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**INTERROGATORY NO. 16:**

If you knew of any liquid on the floor, obstructions at the entrances, defects or trip hazards, when did you learn of it?

**ANSWER:**

**INTERROGATORY NO. 17:**

Describe in detail your regular procedure for maintaining and securing the safety of the walkway and entrances on the premises.

**ANSWER:**

**INTERROGATORY NO. 18:**

If you employed any maintenance company to regularly service or secure the premises, identify the name, address, and telephone number of the maintenance company and describe the service generally provided by the company.

**ANSWER:**

**INTERROGATORY NO. 19:**

Identify the last person to secure the premises before Plaintiff's slip and fall and the date and time it was secured.

**ANSWER:**

**INTERROGATORY NO. 20:**

Identify any precautions Defendant takes to prevent incidents, such as Plaintiff's slip and fall, from happening.

**ANSWER:**

**INTERROGATORY NO. 21:**

Describe what you or any of your employees did immediately after Plaintiff's slip and fall.

**ANSWER:**

**INTERROGATORY NO. 22:**

If you monitor the area that is the subject of this lawsuit by the use of a surveillance camera or other monitoring device, do you have a recording of the incident?

**ANSWER:**

**INTERROGATORY NO. 23:**

If you contend that Plaintiff was negligent in causing her own injuries, provide the factual basis for this contention.

**ANSWER:**



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CL-21-0073-H

**IV. REQUEST FOR PRODUCTION**

**REQUEST FOR PRODUCTION NO. 1:** Defendant's policies and procedures (or the equivalent thereof, by whatever name called) which were in effect on the date of the incident made the basis of this suit.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 2:** Produce any media coverage, film, videotape, moving pictures, photograph, electronic image or recording, or any audiotape which depicts, includes, or contains the image of Defendant's facility immediately before, during and/or after Plaintiff's trip and fall.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 3:** Produce any media coverage, film, videotape, moving pictures, photograph, electronic image or recording, or any audiotape which depicts, includes, or contains the voice or image of any witness to all or any part of the incident, or who came to the scene thereof within seventy-two hours after the incident.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 4:** Any documents and written reports made about the incident made the basis of this suit in anticipation of trial.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 5:** All witness statements and notes obtained in connection with the incident made the basis of this suit. Including reports to the City of McAllen, County of Hidalgo, State of Texas, Federal Government, or statements given to Defendant's insurance company via recording or in person.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 6:** The written slip and fall policy in effect at Defendant's property at the time of the incident made the basis of this suit.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 7:** All documents or reports of any accidents occurring on Defendant's facility within the last five years on any premises that Defendant now owns or previously owned.

**RESPONSE:**

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**CL-21-0073-H**

**REQUEST FOR PRODUCTION NO. 8:** Any written records regarding daily inspections of Defendant's facility prepared by any employee of Defendant for the period beginning one year prior to the incident made the basis of this suit to the present.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 9:** Any written records regarding daily inspections of Defendant's facility prepared by any employee of Defendant for the period beginning three hours prior to the incident made the basis of this suit to the present.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 10:** Safety meeting minutes for the period beginning one year prior to the incident made the basis of this suit to the present.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 11:** Safety meeting minutes for the period beginning one week prior to the incident made the basis of this suit to the present.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 12:** All documents provided to employees before, during or after safety meetings for the period beginning one year prior to the incident made the basis of this suit to the present.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 13:** All e-mails and/or memos sent to management by any employee of Defendant, regarding slip/fall and maintenance hazards of Defendant's facility for the period beginning one year prior to the date of the incident made the basis of this suit to the present.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 14:** All e-mails and/or memos sent to management by any employee of Defendant, regarding safety at Defendant's facility for the period beginning one year prior to the date of the incident made the basis of this suit to the present.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 15:** All written documents regarding employee maintenance policies at Defendant's facility for the period beginning one year prior to the date of the incident made the basis of this suit to the present.

**RESPONSE:**



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**REQUEST FOR PRODUCTION NO. 16:** All documents that pertain to the ownership of Defendant's premises.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 17:** Any and all policies or procedures pertaining to maintenance of Defendant's premises.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 18:** All documents in Defendant's possession, including deposition testimony and trial transcripts, from any other lawsuits regarding premises liability in which Defendant has been a party.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 19:** Any and all communications and documents sent to or received from, or exchanged by and between you and Plaintiff and her representatives concerning the subject matter of this lawsuit.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 20:** Any and all media depicting Plaintiff.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 21:** Name(s) and contact information of any and all employees or people working that date of incident.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 22:** Name(s) and contact information of any and all employees or people working the week of the incident.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 23:** Name(s) and contact information of any and all employees or people working the year of the incident.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 24:** Proof of the Defendant's Insurance Coverage the date of the incident.

**RESPONSE:**

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**CL-21-0073-H**

**REQUEST FOR PRODUCTION NO. 25:** Name(s) and contact information for any and all information technology company, companies or people that monitored your surveillance the date of the incident.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 26:** Name(s) and contact information of any and all supervisors the date of the incident.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 27:** Name(s) and contact information of any and all managers the date of the incident.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 28:** Name(s) and contact information of any and all human resources supervisors or managers or people the date of the incident.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 29:** Name(s) and contact information of any and all bookkeepers the month of the incident.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 30:** Name(s) and contact information of any and all accountants the year of the incident.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 31:** Name(s) and contact information of any and all janitorial service company, companies or person(s) the year of the incident.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 32:** Name(s) and contact information of any and all security service company, companies or person(s) the year of the incident.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 33:** Name(s) and contact information of any and all owners the year of the incident.

**RESPONSE:**



Date: 2/5/2021  
I, Arturo Guejardo, Jr. County Clerk do  
hereby certify that this is a true and  
correct copy of the original document  
and any other.  
By: Arturo Guejardo, Jr.  
Deputy Clerk



**CL-21-0073-H**

**REQUEST FOR PRODUCTION NO. 34:** Name(s) and contact information of any and all corporate officers the year of the incident.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 35:** Defendant's credit cards statements for the year of the incident.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 36:** Defendant's tax records for the year of the incident.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 37:** Incorporation documents for Defendant(s).

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 38:** Name(s) and contact information of any and all business, owners or Defendants who are not yet named in this lawsuit but have an interest.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 39:** Name(s) and contact information of any and all responsible third parties.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 40:** All documents in Defendant's possession, including deposition testimony and trial transcripts, from any other lawsuits regarding premises liability in which Defendant has been a party.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 41:** Any and all communications and documents sent to, received from or exchanged by and between you and Plaintiff and her representatives concerning the subject matter of this lawsuit.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 42:** Any written records regarding city inspections of Defendant's facility prepared by the City of McAllen for the period beginning one year prior to the incident made the basis of this suit to the present.

**RESPONSE:**

Page 12 of 20



Date: 2/5/2021  
I, Arturo Guajardo, Jr. County Clerk do  
hereby certify that this is a true and  
correct copy of the original document  
filed in my office.  
By: [Signature]  
Deputy Clerk

**CL-21-0073-H**

**REQUEST FOR PRODUCTION NO. 43:** Any and all documents showing Defendant had care, custody and/or control over the area Plaintiff fell.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 44:** Any and all documents showing a third party had care, custody and/or control over the area Plaintiff fell.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 45:** Any and all documents reflecting the manager's responsibilities, job tasks and scope of work at the time of the incident.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 46:** Any and all OSHA reports for the incident made basis of this suit.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 47:** Your site safety plan in effect at the site at the time of the incident made basis of this suit.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 48:** Your current site safety plan at the site.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 49:** All maps, drawings, surveys, and/or diagrams that show the layout of the site. This includes all documents that show the scene of the incident made basis of this suit.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 50:** Any and all work permits in your possession or control for the work conducted at the time of the incident.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 51:** Any and all Job Safety Analysis ("SA") or Job Hazard Analysis forms in your possession or control for the work conducted at the time of the incident.

**RESPONSE:**



Date: 2/5/2021  
I, Arturo Guazardo, Jr. County Clerk do  
hereby certify that this is a true and  
correct copy of the original document  
filed in my office.  
By: [Signature]  
Deputy Clerk

**CL-21-0073-H**

**REQUEST FOR PRODUCTION NO. 52:** Any and all documents indicating disciplinary actions, write-ups, or warnings for personnel at the site, as a result of the incident made basis of this suit.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 53:** Any and all employment and personnel materials in your possession or control for employees, subcontractors, and/or independent contractors involved in the incident made basis of this suit.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 54:** Any and all performance reviews and evaluations in your possession or control for the employees, subcontractors, and/or independent contractors involved in the incident made basis of this suit.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 55:** The personnel file(s) of any and all supervisors at the site on the date of the incident. This request does not seek documents related to FMLA leave or Social Security numbers.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 56:** Any and all documents identifying any and all of your employees with supervisory authority present at the site on the date of the incident.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 57:** Any and all communications between you and any person or entity, including other witnesses in this case discussing or referencing the incident. This specifically includes, but is not limited to, all emails and their attachments.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 58:** Any and all internal correspondence (including email) sent between, to, or from your employees or agents or consultants, regarding MARIA YOLANDA MAYORGA, the incident, and/or any issue relevant to this lawsuit.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 59:** Any and all communications discussing the general risks or safety hazards related to the activities at the site.

**RESPONSE:**



Date: 2/5/2021  
I, Arturo Guadardo, Jr. County Clerk do  
hereby certify that this is a true and  
correct copy of the original document  
filed in court file.  
By: [Signature]  
Deputy Clerk



**CL-21-0073-H**

**REQUEST FOR PRODUCTION NO. 60:** All documents related to any interviews conducted by Defendant, related to and following the incident. This includes any handwritten notes from any interviews.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 61:** All documents that show the identity of any witness to the occurrence made the basis of this suit or of any other person with knowledge of relevant facts concerning the occurrence made the basis of this suit, the events leading up to it, or any damages allegedly sustained by MARIA YOLANDA MAYORGA.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 62:** Your complete safety manual.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 63:** Your employee handbook.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 64:** The personnel files of any supervisors employed by Defendant at the site at the time of the incident.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 65:** Audiotapes (and transcripts, if any) of any conversations involving Plaintiff.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 66:** Any weather reports for the area and time in question.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 67:** A list of injury claims made against your company over the last five years, regardless of whether such claim resulted in litigation.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 68:** Any and all documents and/or materials obtained by you via DWQ, subpoena, or third-party subpoena related to this case.

**RESPONSE:**



Date: 2/5/2021  
I, Arturo Guajardo, Jr. County Clerk do  
hereby certify that this is a true and  
correct copy of the original document  
filed in my office.  
By: Arturo Guajardo, Jr.  
Deputy Clerk

CL-21-0073-H

**V. REQUEST FOR ADMISSIONS**

**REQUEST FOR ADMISSION NO. 1:** Admit or Deny Plaintiff properly named Defendant in the lawsuit.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 2:** Admit or Deny Defendant owned the premises located on or about 900 E I-2 Frontage Rd., McAllen, Texas at the time of the incident made the basis of this suit.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 3:** Admit or Deny Defendant leased the premises located on or about 900 E I-2 Frontage Rd., McAllen, Texas at the time of the incident made the basis of this suit.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 4:** Admit or Deny Defendant was in charge of maintaining the premises on or about 900 E I-2 Frontage Rd., McAllen, Texas at the time of the incident made the basis of this suit.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 5:** Admit or Deny a hazardous condition was present on the floor of Defendant's premises immediately before Plaintiff's slip and fall.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 6:** Admit or Deny Defendant was notified of the condition on the floor and entrance before Plaintiff's slip and fall.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 7:** Admit or Deny Defendant, after becoming aware of the condition on the floor, did not remedy the hazard before Plaintiff's slip and fall.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 8:** Admit or Deny Defendant and/or its agents caused the hazardous condition on the floor.

**RESPONSE:**

Page 16 of 20



Date: 2/5/2021  
I, Arturo Guajardo, Jr. County Clerk do  
hereby certify that this is a true and  
correct copy of the original document  
filed in my office.  
[Signature]  
Deputy Clerk

**CL-21-0073-H**

**REQUEST FOR ADMISSION NO. 9:** Admit or Deny Defendant was aware of the risk of injury created by the hazard on the floor.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 10:** Admit or Deny Defendant did not warn others that a dangerous condition existed on the premises.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 11:** Admit or Deny Defendant was responsible for clearing and remedying any hazardous conditions from the premises.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 12:** Admit or Deny at the time of Plaintiff's slip and fall, Plaintiff was an invitee on Defendant's premises.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 13:** Admit or Deny Defendant exercised control of the premises at the time of the incident made the basis of this suit.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 14:** Admit or Deny the floor which Plaintiff tripped and fell on while on Defendant's premises was a dangerous condition.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 15:** Admit or Deny Defendant has a witness statement from someone who saw the incident occur.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 16:** Admit or Deny Defendant has a witness statement from Plaintiff.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 17:** Admit or Deny the floor was not cleaned after the incident occurred.

**RESPONSE:**

Page 17 of 20



Date: 2/5/2021  
I, Arturo Guajardo, Jr. County Clerk do  
hereby certify that this is a true and  
correct copy of the original document  
filed in my office.  
By: Rita Chispungza  
Deputy Clerk



**CL-21-0073-H**

**REQUEST FOR ADMISSION NO. 18:** Admit or Deny there have been other slip and fall incidents on Defendant's premises.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 19:** Admit or Deny Defendant has an employee that constantly monitors the safety of their property.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 20:** Admit or Deny Defendant has an employee that constantly monitors the maintenance of their property.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 21:** Admit or Deny Defendant had the floor area where Plaintiff fell marked as hazardous.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 22:** Admit or Deny Defendant had placed a "caution" and/or "warning" sign where Plaintiff tripped and fell.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 23:** Admit or Deny Defendant did not offer an ambulance for Plaintiff.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 24:** Admit or Deny Defendant did not call an ambulance for Plaintiff.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 25:** Admit or Deny Defendant did not call 911 for Plaintiff.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 26:** Admit or Deny Defendant does not have video surveillance of the incident.

**RESPONSE:**



Date: 2/5/2021 Page 18 of 20  
I, Arturo Guajardo, Jr. County Clerk do hereby certify that this is a true and correct copy of the original document filed in my office.  
By: [Signature]  
Deputy Clerk

**CL-21-0073-H**

**REQUEST FOR ADMISSION NO. 27:** Admit or Deny Defendant is blaming Plaintiff for her slip and fall.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 28:** Admit or Deny Defendant does not believe it was liable in any way for Plaintiff's slip and fall.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 29:** Admit or Deny Defendant instructs its employees to not help invitees get up when they are injured on their premises.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 30:** Admit or Deny Defendant instructs its employees to not call an ambulance for its invitees.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 31:** Admit or Deny Defendant instructs its employees to not call 911 for its invitees.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 32:** Admit or Deny Defendant knew that Plaintiff was in severe pain.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 33:** Admit or Deny Defendant is claiming there is a responsible third party other than Plaintiff.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 34:** Admit or Deny Defendant is claiming there is another Defendant with an interest that is not named.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 35:** Admit or Deny Defendant's employees helped Plaintiff get up after she tripped and fell.

**RESPONSE:**



Date: 2/5/2021  
I, Arturo Guajardo, Jr. County Clerk do  
hereby certify that this is a true and  
correct copy of the original document  
filed in my office.  
By: [Signature]  
Deputy Clerk

**CL-21-0073-H**

**VERIFICATION**

**STATE OF TEXAS**

**COUNTY OF \_\_\_\_\_**

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_  
\_\_\_\_\_, Representative for Marmaxx Operating Corp., known to me to be the person whose  
name is subscribed hereto, who being first duly sworn in the manner provided by law, on oath stated  
as follows:

1. I, \_\_\_\_\_, **Representative for Marmaxx Operating Corp.**, am the  
Defendant in this cause, and am over the age of eighteen (18) years. I have personal  
knowledge of, and am competent and authorized to testify to the facts set forth herein.
2. I have read the foregoing answers to Request for Written Interrogatories and answers thereto  
are true and correct.

\_\_\_\_\_  
NAME:

TITLE:

REPRESENTATIVE FOR  
MARMAXX OPERATING CORP.

**SWORN AND SUBSCRIBED TO BEFORE ME**, the undersigned authority by the said  
\_\_\_\_\_, **REPRESENTATIVE FOR MARMAXX OPERATING CORP.**  
on this the \_\_\_\_\_ day of \_\_\_\_\_, 2021, to certify which witness by hand and  
official seal of office.

\_\_\_\_\_  
NOTARY PUBLIC, IN AND FOR THE  
STATE OF TEXAS

My Commission Expires: \_\_\_\_\_



Date: 2/5/2021  
I, Arturo Guajardo, Jr. County Clerk do  
hereby certify that this is a true and  
correct copy of the original document  
filed in my office.  
By: [Signature]  
Deputy Clerk



**CAUSE NO. CL-21-0073-H**

THE STATE OF TEXAS  
COUNTY OF HIDALGO

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taken against you."

To: MARMAXX OPERATING CORP.  
REGISTERED AGENT, CT CORPORATION SYSTEM  
1999 BRYAN STREET  
DALLAS TX 75201

GREETINGS: You are commanded to appear by filing a written answer to the Plaintiff's petition at or before 10 o'clock A.M. on or before the Monday next after the expiration of twenty (20) days after the date of service hereof, before the Honorable County Court At Law #8 of Hidalgo County, Texas, by and through the Hidalgo County Clerk at 100 N. Closner, First Floor, Edinburg, Texas 78539.

Said Plaintiff's Petition was filed in said Court, on the 4th day of January, 2021 in this Cause Numbered CL-21-0073-H on the docket of said Court, and styled,

**MARIA YOLANDA MAYORGA**  
**vs.**  
**MARMAXX OPERATING CORP.**

The nature of Plaintiff's demand is fully shown by a true and correct copy of Plaintiff's Original Petition And Jury Demand With Written Discovery accompanying this Citation and made a part hereof.

NAME & ADDRESS OF ATTORNEY FOR PLAINTIFF:

DANIEL R. SANTOS  
605 E VIOLET AVE STE 3  
MCALLEN TEXAS 78504

The officer executing this citation shall promptly serve the same according to requirements of law, and the mandates hereof, and make due return as the law directs.

ISSUED AND GIVEN UNDER MY HAND AND SEAL OF SAID COURT, at Edinburg, Texas this 5th day of January, 2021.



ARTURO GUAJARDO, JR.  
COUNTY CLERK, HIDALGO COUNTY, TEXAS  
100 N. CLOSNER  
EDINBURG, TEXAS 78539  
COUNTY COURT AT LAW #8

BY Alma Navarro DEPUTY  
ALMA NAVARRO



Date: 2/5/2021  
I, Arturo Guajardo, Jr. County Clerk do  
hereby certify that this is a true and  
correct copy of the original document  
filed in my office.  
By: [Signature]  
Deputy Clerk

## SHERIFF'S/CONSTABLE'S/CIVIL PROCESS

## SHERIFF'S RETURN

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_  
M., by Deputy (Sheriff/Constable)/Civil Process Server and to-wit the following:

## DEFENDANT SERVED

Service was EXECUTED on the above referenced Defendant, in person, in Hidalgo County, Texas and served with a true copy of this Citation, with the date of delivery endorsed thereon, together with the accompanying copy of the Plaintiff's Petition, at the following  
Date, time, and place, to-wit:

NAME \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_ PLACE \_\_\_\_\_

By: \_\_\_\_\_  
CIVIL PROCESS SERVER

By: \_\_\_\_\_  
DEPUTY SHERIFF/CONSTABLE

## DEFENDANT NOT SERVED

Service was ATTEMPTED at the above address on the above referenced Defendant on the following date(s) and time(s), but to no avail:

NAME \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_ PLACE \_\_\_\_\_

NAME \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_ PLACE \_\_\_\_\_

NAME \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_ PLACE \_\_\_\_\_

By: \_\_\_\_\_  
CIVIL PROCESS SERVER

By: \_\_\_\_\_  
DEPUTY SHERIFF/CONSTABLE

**COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF,  
CONSTABLE OR CLERK OF THE COURT**

In accordance to rule 107, the officer or authorized person who serves or attempts to serve a citation must sign the return. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return must either be verified or be signed under the penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_ and my address is \_\_\_\_\_

\_\_\_\_\_. I declare under penalty of perjury that the foregoing is true and correct

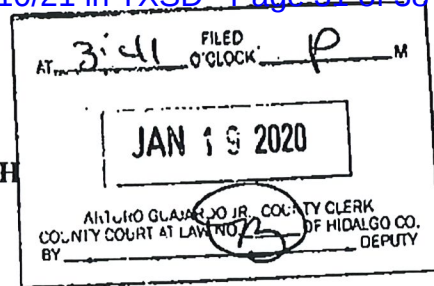
EXECUTED in \_\_\_\_\_ County, state of Texas, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
DECLARANT

\_\_\_\_\_  
If Certified by the Supreme Court of Texas  
Date of Expiration /SCH Number



Date: 2/5/2021  
I, Arturo Guajardo, Jr. County Clerk do  
hereby certify that this is a true and  
correct copy of the original document  
filed in my office.  
By: [Signature]  
Deputy Clerk



CAUSE NO. CL-21-0073-H

THE STATE OF TEXAS  
COUNTY OF HIDALGO

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taken against you."

To: MARMAXX OPERATING CORP.  
REGISTERED AGENT, CT CORPORATION SYSTEM  
1999 BRYAN STREET  
DALLAS TX 75201

GREETINGS: You are commanded to appear by filing a written answer to the Plaintiff's petition at or before 10 o'clock A.M. on or before the Monday next after the expiration of twenty (20) days after the date of service hereof, before the Honorable County Court At Law #8 of Hidalgo County, Texas, by and through the Hidalgo County Clerk at 100 N. Closner, First Floor, Edinburg, Texas 78539.

Said Plaintiff's Petition was filed in said Court, on the 4th day of January, 2021 in this Cause Numbered CL-21-0073-H on the docket of said Court, and styled,

MARIA YOLANDA MAYORGA  
vs.  
MARMAXX OPERATING CORP.

The nature of Plaintiff's demand is fully shown by a true and correct copy of Plaintiff's Original Petition And Jury Demand With Written Discovery accompanying this Citation and made a part hereof.

NAME & ADDRESS OF ATTORNEY FOR PLAINTIFF:

DANIEL R. SANTOS  
605 E VIOLET AVE STE 3  
MCALLEN TEXAS 78504

The officer executing this citation shall promptly serve the same according to requirements of law, and the mandates hereof, and make due return as the law directs.

ISSUED AND GIVEN UNDER MY HAND AND SEAL OF SAID COURT, at Edinburg, Texas this 5th day of January, 2021.



ARTURO GUAJARDO, JR.  
COUNTY CLERK, HIDALGO COUNTY, TEXAS  
100 N. CLOSNER  
EDINBURG, TEXAS 78539  
COUNTY COURT AT LAW #8

BY Alma Navarro DEPUTY  
ALMA NAVARRO



Date: 2/5/2021  
I, Arturo Guajardo, Jr. County Clerk do  
hereby certify that this is a true and  
correct copy of the original document  
filed in my office.  
By [Signature]  
Deputy Clerk



## SHERIFF'S/CONSTABLE'S/CIVIL PROCESS

## SHERIFF'S RETURN

Came to hand on the 5 day of January, 20 21, at 4:33 o'clock Pm  
M., by Deputy (Sheriff/Constable)/Civil Process Server and to-wit the following:

## DEFENDANT SERVED

Service was EXECUTED on the above referenced Defendant, in person, in Hidalgo County, Texas and served with a true copy of this Citation, with the date of delivery endorsed thereon, together with the accompanying copy of the Plaintiff's Petition, at the following

Date, time, and place, to-wit:

Marmaxx operating corp

NAME CT Corp system DATE 1/14/21 TIME 10:09AM PLACE 1999 Bryan St  
Dallas, TX

By: [Signature]

CIVIL PROCESS SERVER

By: \_\_\_\_\_

DEPUTY SHERIFF/CONSTABLE

## DEFENDANT NOT SERVED

Service was ATTEMPTED at the above address on the above referenced Defendant on the following date(s) and time(s), but to no avail:

NAME \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_ PLACE \_\_\_\_\_

NAME \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_ PLACE \_\_\_\_\_

NAME \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_ PLACE \_\_\_\_\_

By: \_\_\_\_\_

CIVIL PROCESS SERVER

By: \_\_\_\_\_

DEPUTY SHERIFF/CONSTABLE

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF,  
CONSTABLE OR CLERK OF THE COURT

In accordance to rule 107, the officer or authorized person who serves or attempts to serve a citation must sign the return. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return must either be verified or be signed under the penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is Santiago Castillo, my date of birth is \_\_\_\_\_ and my address is

P.O. Box 5656 McAllen, TX. I declare under penalty of perjury that the foregoing is true and correct

EXECUTED in Hidalgo County, state of Texas, on the 11 day of Jan, 20 21.

[Signature]

DECLARANT

3/31/21 PSC#11877

If Certified by the Supreme Court of Texas

Date of Expiration /SCH Number



Date: 2/5/2021

I, Arturo Guadardo, Jr. County Clerk do hereby certify that this is a true and correct copy of the original document filed in my office.

[Signature]  
Deputy Clerk



Help

## Product Tracking & Reporting



Home	Search	Reports	Manual Entry	Rates/Commitments	PTR / EDW	USPS Corporate Accounts	January 15, 2021
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### USPS Tracking Intranet

#### Delivery Signature and Address



**Price Change 1/26/2020:**  
USPS Premium Tracking: USPS will offer a fee-based service to extend the availability of tracking data on domestic competitive products for an additional 6 months up to 10 years. In addition, customers can also request a Premium Tracking Statement via email.

The Manual Entry Acceptance screen will be modified to use the Pricing Engine for all rates calculations. Users will no longer enter fees for Collect on Delivery (COD) and Additional Insurance; instead, users will enter the dollar amount to be collected for COD or the insured value for Insurance.

Tracking Number: 7020 1810 0000 4612 6879

This item was delivered on 01/14/2021 at 10:09:00

[Return to Tracking Number View](#)

<b>Delivery Section</b>	
Signature	COVID
Address	COVID-19

Enter up to 35 items separated by comma

Select Search Type:

<b>U.S. Postal Service™ CERTIFIED MAIL® RECEIPT</b> Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> .	
<b>OFFICIAL USE</b>	
Certified Mail Fee \$3.55	0048 17
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$2.85	
<input type="checkbox"/> Return Receipt (electronic) \$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery \$0.00	
<input type="checkbox"/> Adult Signature Required \$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery \$0.00	
Postage \$7.75	
Total Postage and Fees \$14.15	
Sent To <b>CT Corp</b>	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4®	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	



Date: 2/5/2021  
I, Arturo Guajardo, Jr. County Clerk do hereby certify that this is a true and correct copy of the original document.

CAUSE NO. CL-21-0073-H

MARIA YOLANDA MAYORGA	§	IN THE COUNTY COURT
<i>Plaintiff,</i>	§	
	§	
V.	§	AT LAW NO. 8
	§	
MARMAXX OPERATING CORP.	§	HIDALGO COUNTY, TEXAS

---

**DEFENDANT'S ORIGINAL ANSWER**

---

To the Honorable Judge of Said Court:

COMES NOW, MARMAXX OPERATING CORP., Defendant in the above-entitled and numbered cause, and in answer to Plaintiff's Original Petition, would respectfully show unto the Court as follows:

**I.**  
**GENERAL DENIAL**

Defendant denies each and every, singular and all, the allegations contained in Plaintiff's Original Petition, says that the allegations therein are not true, either in whole or in part, and demands strict proof thereof.

**II.**  
**AFFIRMATIVE DEFENSES**

1. Pleading further, alternatively, and by way of affirmative defense, Defendant would show, in the unlikely event that any liability is found on the part of the Defendant, that such liability be reduced by the percentage of the causation found to have resulted from the acts or omissions of any other third parties.

2. Pleading further, alternatively, and by way of affirmative defense, Defendant would state that in the unlikely event that an adverse judgment would be rendered against it, Defendant would respectfully request all available credits and/or offsets as provided by the Texas Civil



Date: 2/5/2021  
I, Arturo Guajardo, Jr. County Clerk do  
hereby certify that this is a true and  
correct copy of the original document  
filed in my office.  
By: Ester Espinoza  
Deputy Clerk

Practice and Remedies Code and under Texas law.

3. Pleading further, alternatively, and by way of affirmative defense, Defendant would show that any claims for medical or health care expenses must be limited to the amounts actually paid or incurred by or on behalf of Plaintiff pursuant to TEX. CIV. PRAC. & REM. CODE § 41.0105. Defendant further requests that the Court instruct the jury as to whether any recovery for medical or healthcare expenses sought by the Plaintiff, be limited to the amount actually paid or incurred by or on behalf of the Plaintiff, if any.

4. Pleading further, alternatively, and by way of affirmative defense, Defendant would show that, pursuant to Section 18.091 of the TEX. CIV. PRAC. & REM. CODE., to the extent that Plaintiff is seeking recovery for loss of earnings, lost wages, loss of earning capacity, and/or loss of contributions of pecuniary value, evidence of this alleged loss must be presented by Plaintiff in the form of a net loss after reduction for income tax payments, or unpaid tax liability to any federal income tax law.

5. Pleading further, alternatively, and by way of affirmative defense, Defendant would show under such circumstances they acted as a reasonable and prudent person would have acted under the same or similar circumstances and therefore are not responsible for the alleged incident and/or damages, if any, claimed by any Party in this lawsuit. Defendant further denies that it was negligent, that it acted knowingly, carelessly, recklessly, or maliciously, and denies that it had subjective awareness of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety and or welfare of others, and therefore are not responsible for the accident and/or damages claimed by Plaintiff or any Party to the lawsuit.

6. Pleading further, alternatively, and by way of affirmative defense, Defendant

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invokes limitations on interest, both prejudgment and post-judgment, contained in Chapter 304 of the TEX. FIN. CODE. Prejudgment interest on alleged future damages, if any, may not be assessed or recovered.

7. Pleading further, alternatively, and by way of affirmative defense, Defendant would show, in the unlikely event that any liability is found on the part of the Defendant, that such liability be reduced by the percentage of the causation found to have resulted from the acts or omissions of any other third parties.

8. Pleading further, alternatively, and by way of affirmative defense, Defendant would show that any claims for medical or health care expenses must be limited to the amounts actually paid or incurred by or on behalf of Plaintiff pursuant to TEX. CIV. PRAC. & REM. CODE § 41.0105. Defendant further requests that the Court instruct the jury as to whether any recovery for medical or healthcare expenses sought by the Plaintiff, be limited to the amount actually paid or incurred by or on behalf of the Plaintiff, if any.

### III. JURY DEMAND

Defendant hereby respectfully demands that a jury be impaneled to try this case, pursuant to the laws and Constitutions of the United States of America and the State of Texas and pays the appropriate fee.



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V.

DIRECTED COMMUNICATION

Please forward all communications regarding this matter to Kevin Tompkins at ktompkins@hartlinebarger.com; Yvonne Maund at ymaund@hartlinebarger.com; and Jenni Fann at jfann@hartlinebarger.com

WHEREFORE, PREMISES CONSIDERED, Defendant, MARMAXX OPERATING CORP. prays that Plaintiff take nothing by reason of this suit, that Defendant be discharged, and that it go hence with its costs, and for all such other and further relief, both general and special, at law and in equity, to which Defendant may show itself to be justly entitled.

Respectfully submitted,

HARTLINE BARGER LLP

/s/ Kevin B. Tompkins

Kevin B. Tompkins  
State Bar No. 20125690  
1980 Post Oak Blvd., Suite 1800  
Houston, Texas 77056  
Telephone: 713-759-1990  
Facsimile: 713-652-2419  
ktompkins@hartlinebarger.com

**ATTORNEY FOR DEFENDANT,  
MARMAXX OPERATING CORP.**

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was served upon the parties listed below by the method(s) indicated on the 5<sup>th</sup> day of February, 2021.

Daniel Santos  
LAW OFFICE OF DANIEL SANTOS, P.C.  
605 E. Violet Ave., Suite 3  
McAllen, Texas 78504  
Via Email and/or EService: [dsantos@dsantoslaw.com](mailto:dsantos@dsantoslaw.com)

/s/ Kevin B. Tompkins  
KEVIN B. TOMPKINS

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Date: 2/5/2021  
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Deputy Clerk